

Frequently Asked Questions

Q. Why do we need a Clean Indoor Air Act in Montana?

Secondhand smoke is a hazardous toxin that can cause cancer and heart disease. Each year, an estimated 200 non-smoking Montanans die from breathing someone else's tobacco smoke in the workplace or at home.

Secondhand smoke is also associated with between 8,000 and 26,000 new cases of asthma in children each year and an estimated 150,000 to 300,000 new cases of bronchitis or pneumonia in children less than 18 months of age.

Q. Do Montanans support the Clean Indoor Air Act?

The 2008 Montana Adult Tobacco Survey found that 88 percent of Montanans support the Clean Indoor Air Act in restaurants and 75 percent support the law as it pertains to bars, taverns, and casinos. This represents over three-quarters of all Montanans.

Eighty percent of Montanans do not smoke.

Q. How will the Clean Indoor Air Act affect Montana businesses?

For most businesses and workplaces in Montana, the law will not alter existing policies that have been in place for years.

Many recent studies show that comprehensive smoke-free laws do not have adverse economic impacts on restaurants and other businesses. In fact, smoke-free businesses often are able to save money because:

- Risk of fire is reduced;
- Fire insurance commonly costs 25-30 percent less for smoke-free businesses;
- Dozens of insurance companies offer discounts on life, disability, and medical insurance for nonsmokers;
- Cleaning costs may be reduced by as much as 10 percent;
- Employees who smoke cost their employer an average of \$3,391 a year each in lost productivity and excess medical expenditures.

Q. Are there any exceptions?

- Some bars & casinos have been granted a temporary exception that terminates October 1, 2009. Even with an exception minors must be kept out of smoking areas and smoke must not be allowed to infiltrate non-smoking areas.
- Private residences (unless the residence is used as a family or group day-care home, an adult foster care home, or a health-care facility);
- Private vehicles;
- Hotel rooms designated as smoking rooms (a hotel or motel may designate no more than 35 percent of its rooms as smoking rooms); and
- Sites used in connection with the practice of cultural activities by American Indians in accordance with the American Indian Religious Freedom Act.

Q. Where can I get signs to post indicating that smoking is not allowed in my business?

The Montana Department of Public Health and Human Services will provide businesses and schools with free [no-smoking signs](#).

Q. What are the penalties for violating the Clean Indoor Air Act?

An individual who owns, manages, operates, or otherwise controls a public place or place of employment and who permits smoking in that facility will be:

- Issued a warning for the first violation in a three-year period;
- Issued a written reprimand for the second violation; and
- Guilty of a misdemeanor and subject to a fine of \$100 for the third violation.

The fine for a fourth violation in a three-year period is \$200; the fine is \$500 for every violation thereafter.

The law also stipulates that an individual customer or employer who smokes in an area where smoking is prohibited is guilty of a misdemeanor and subject to a fine of between \$25 and \$100.

Q. Who is responsible for enforcing the Clean Indoor Air Act?

The law directs the Montana Department of Public Health and Human Services, local boards of health, and their designees to be responsible for supervising and enforcing the law.

Enforcement will be based on written complaints submitted by Montanans either to their [local health department](#) or to the [Montana Tobacco Use Prevention Program](#), P.O. Box 202951, Helena MT 59620-2951.

When a violation constitutes a misdemeanor, the [local health department](#) will work with the city or county attorney in the county in which the violation occurred.

Q. How do I file a complaint about a possible violation?

Send your complaint in writing either to your local [health department](#) or to:

Montana Tobacco Use Prevention Program
PO Box 202951
Helena, MT 59620-2951